

L.N. 430 of 2018

**PREVENTION OF MONEY LAUNDERING ACT
(CAP. 373)**

**Prevention of Money Laundering and Funding of Terrorism
(Amendment) Regulations, 2018**

IN EXERCISE of the powers conferred by article 12 of the Prevention of Money Laundering Act, the Minister for Finance, acting on the advice of the Financial Intelligence Analysis Unit, has made the following regulations:-

1. The title of these regulations is the Prevention of Money Laundering and Funding of Terrorism (Amendment) Regulations, 2018 and these regulations shall be read and construed as one with the Prevention of Money Laundering and Funding of Terrorism Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 373. 01.

2. Sub-regulation (1) of regulation 2 of the principal regulations shall be amended as follows:

Amends
regulation 2 of
the principal
regulations.

(a) paragraphs (d) and (e) of the definition "competent authority" thereof, shall be renumbered as paragraphs (f) and (g) respectively;

(b) immediately after paragraph (c) of the definition "competent authority" thereof, there shall be added the following new paragraphs:

"(d) the Commissioner for Voluntary Organisations;

(e) the Asset Recovery Bureau;"

(c) the definition "gaming licensee" thereof, shall be substituted by the following:

Cap. 438.
S.L. 583.05.

" "gaming licensee" means any person licensed in terms of the Lotteries and Other Games Act and, or the Gaming Authorisation Regulations to provide a gaming service;"

(d) the definition "gaming service" thereof, shall be

substituted by the following:

Cap. 583. " "gaming service" means making a licensable game which is a game of chance as defined in the Gaming Act, available for participation by players, and, without prejudice to the preceding phrase, "licensable game" shall have the same meaning as is assigned to it in the Gaming Definitions Regulations, and shall also include a game subject to a licensing requirement in terms of the Lotteries and Other Games Act and the subsidiary legislation existing thereunder;"

S.L. 583.04.

Cap. 438.

(e) paragraphs (e) and (f) of the definition "occasional transaction" thereof, shall be renumbered as paragraphs (g) and (h) respectively;

(f) immediately after paragraph (d) of the definition "occasional transaction" thereof, there shall be added the following new paragraphs:

" "(e) a transaction, independently of the amount involved, carried out by a subject person whose activities are those referred to in paragraphs (m) and (n) of the definition "relevant financial business";

(f) the provision of VFA agent services to a person or institution required to be licensed to provide VFA services under the provisions of the Virtual Financial Assets Act;"

Cap. 590.

(g) paragraph (l) of the definition "relevant financial business" thereof, shall be deleted;

(h) immediately after paragraph (k) of the definition "relevant financial business" thereof, there shall be added the following new paragraphs:

" "(l) any activity of a VFA agent carried out by a person or institution registered or required to be registered under the provisions of the Virtual Financial Assets Act;

(m) VFA services carried out by a person or institution licensed or required to be licensed under the provisions of the Virtual Financial Assets Act;

Cap. 590.

Cap. 590.

Cap. 590. (n) the issue of virtual financial assets for offer to the public in or from Malta in terms of the Virtual Financial Assets Act; and

(o) any activity under paragraphs (a) to (n) carried out by branches established in Malta and whose head offices are situated outside Malta"; and

(i) immediately after the definition "trust and company service provider" thereof, there shall be added the following new definition:

Cap. 590. " "VFA" has the same meaning as is assigned to it in the Virtual Financial Assets Act."

3. Sub-paragraph (ii) of paragraph (a) of sub-regulation (5) of regulation 5 of the principal regulations shall be substituted by the following: Amends regulation 5 of the principal regulations.

"(ii) risk management measures including customer acceptance policies, customer risk assessment procedures, internal controls, compliance management, communications, employee screening policies and procedures;"

4. In paragraph (b) of sub-regulation (2) of regulation 7 of the principal regulations, for the words "are kept up-to-date." there shall be substituted the words "are kept up-to-date:", and immediately thereafter there shall be added the following new proviso: Amends regulation 7 of the principal regulations.

"Provided that in the case of subject persons providing VFA agent services as defined in paragraph (l) of the definition "relevant financial business", the on-going monitoring of a business relationship shall be limited to the provisions of paragraph (b)."

5. Paragraph (b) of sub-regulation (2) of regulation 16 of the principal regulations shall be substituted by the following: Amends regulation 16 of the principal regulations.

"(b) disclosures between a subject person who undertakes relevant financial business, other than a business referred to in paragraphs (l), (m) and (n) under the definition of 'relevant financial business', and another person undertaking equivalent business, whether situated in a Member State or a third country, which form part of the same group and apply group-wide policies and procedures as provided for under regulation 6;"
